

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MICHAEL ANTHONY MCDADE, # 47724

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:09-cv-156-HTW-LRA

ROY MASSIE, et al.

DEFENDANTS

FINAL JUDGMENT

This cause is before the Court, *sua sponte*, for consideration of dismissal. As reflected in the Memorandum Opinion and Order of the Court issued this day, Plaintiff's claims are not cognizable under Title 42 U.S.C. § 1983. Consequently, it is hereby,

ORDERED AND ADJUDGED that this cause be dismissed pursuant to Title 28 U.S.C. § 1915(e)(2)(B)(ii), with prejudice, for failure to state a claim upon which relief may be granted. To the extent that Plaintiff is seeking habeas relief his claims are dismissed without prejudice.

Since this case is dismissed in accordance with the above mentioned provision of the Prison Litigation Reform Act, it will be counted as a "strike" pursuant to 28 U.S.C. § 1915(g).

SO ORDERED, this the 27th day of April, 2010.

s/ HENRY T. WINGATE
CHIEF JUDGE
UNITED STATES DISTRICT COURT